

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SANKET VYAS,

Plaintiff,

-against-

TAGLICH BROTHERS, INC. and TAGLICH
PRIVATE EQUITY, LLC,

Defendants.

ANALISA TORRES, District Judge:

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23 Civ. 8104 (AT)

ORDER

On September 13, 2023, this action was transferred from the United States District Court for the Middle District of Florida to this District. *See* ECF Nos. 122–23. The transfer was based on the “first-filed rule.”¹ *See* Order, ECF No. 122 at 1.

I. Pending Motions

Currently before the Court are Defendants’ motion to dismiss for lack of personal jurisdiction, improper venue, and failure to state a claim, ECF No. 52; Defendants’ motion to stay discovery pending ruling on the motion to dismiss, ECF No. 67; Defendants’ motion for a hearing on the motion to stay or transfer the case, ECF No. 87; Plaintiff’s motion to compel discovery, ECF No. 107; and Defendants’ motion for an extension of time to file a response to the motion to compel, ECF No. 116.

The Court cannot rule on Defendants’ motion to dismiss. First, the motion to dismiss raises issues of personal jurisdiction and venue based on the prior venue in the Middle District of Florida, and those issues may be mooted by the recent transfer of the case. Second, the issue of whether the complaint states a claim turns, in part, on a choice-of-law analysis, and, because the case was before the Middle District of Florida, both parties conducted this analysis under Florida state law. *See* ECF No. 52 at 17–19; ECF No. 59 at 18–19.

Accordingly, by **October 17, 2023**, Defendants shall either: (1) file an answer; (2) file a new motion to dismiss in accordance with the Court’s Individual Practices in Civil Cases; or (3) file a letter with the Court stating that they rely on the previously filed motion to dismiss. The Court shall HOLD IN ABEYANCE the motion to dismiss pending Defendants’ action.

The Court shall not stay discovery pending its decision on a motion absent extraordinary circumstances. Accordingly, Defendants’ motion to stay discovery is DENIED.

¹ The Middle District of Florida found that a New York state court action against Defendants involved “sufficiently similar” plaintiffs and issues and identical relief sought. Order, ECF No. 122 at 6–9. The New York court action has now been removed to this District, and Defendants have been dismissed as parties to that action. *See Q3 Invs. Recovery Vehicle, LLC v. McEvoy*, No. 23 Civ. 3086 (S.D.N.Y.), ECF Nos. 1, 20.

Defendants' motion for a hearing on the motion to stay or transfer the case is DENIED as moot.

Plaintiff's motion to compel discovery and Defendants' motion for an extension of time shall be referred to the Honorable Katharine H. Parker by separate order.

II. Case Deadlines and Schedule

By **October 10, 2023**, the parties are directed to file a joint letter addressing the status of mediation.

Pursuant to the amended case management and scheduled order dated July 27, 2023, fact and expert discovery shall close on **February 2, 2024**. ECF No. 97. The Court shall maintain the same deadline for fact and expert discovery. All other deadlines contained in the July 27, 2023 case scheduling order are adjourned *sine die*.

The next Case Management Conference is scheduled for **February 27, 2024**, at **11:00 a.m.** The parties are directed to file a joint status report not later than one week in advance of the Case Management Conference. The parties should indicate whether they anticipate filing motion(s) for summary judgment and whether they believe that the case should be referred to Judge Parker for settlement discussions. Pursuant to the authority of Fed. R. Civ. P. 16(c)(2), any motion for summary judgment will be deemed untimely unless a request for a pre-motion conference is made in writing within fourteen (14) days of the close of fact discovery.


The Final Pretrial Submission date is thirty (30) days following the end of fact and expert discovery.

III. Conclusion

Accordingly, the Clerk of Court is directed to terminate the motions at ECF Nos. 52, 67, and 87.

SO ORDERED.

Dated: September 27, 2023
New York, New York



ANALISA TORRES
United States District Judge